



November 4, 2015

Bill Honig and Nancy McTygue, Co-Chairs
History-Social Science Subject Matter Committee
Instructional Quality Commission
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RE: Transgender Inclusion in the History-Social Science Framework Revisions

Dear Co-Chairs Honig and McTygue:

Thank you for the opportunity to provide written comment on the History-Social Science Framework. We are deeply concerned with the lack of content reflecting the roles and contributions of transgender and gender-nonconforming people. It is critical to the acceptance and safety of transgender students that all students have the opportunity to learn about the important contributions of transgender and gender-nonconforming people in our society. In addition, it is vital that the transgender experience be made visible in the curriculum so that transgender and gender-nonconforming youth have the opportunity to discover transgender historical figures and events that demonstrate bravery and perseverance in the face of adversity, adversity that many transgender students continue to experience in their daily lives.

The 2009 FAIR Education Act was passed to help address the lack of representation of LGBT content in the educational curriculum. The FAIR Act requires elementary and secondary schools to teach LGBT-inclusive history by teaching about and adopting instructional materials that include the roles and contributions of LGBT Americans and directs that "instruction in social sciences" include "a study of the role and contributions of...lesbian, gay bisexual and transgender Americans...to the economic, political, and social development of California." Unfortunately, the current Framework fails to meet this directive. By omitting key transgender figures, significant transgender contributions and landmark transgender-related case law and policy developments, the Framework fails to include transgender contributions to the economic, political and social development of California and violates the spirit and letter of the FAIR Act.

California has led the way in groundbreaking advances in transgender equality, including pivotal events, such as the 1966 Compton's Cafeteria Riot (which preceded the Stonewall Riots), to landmark cases and policies advancing transgender equality to recent and notable contributions from youth advocates who worked to implement the School Success and Opportunities Act (AB 1266). Omitting these contributions is a disservice to transgender and gender-nonconforming

people, likely violates the FAIR Act and prevents all students from fully understanding the transgender struggle for equality.

Transgender students experience alarmingly high rates of verbal harassment and physical assault and many students report feeling unsafe at school. Almost 90% of transgender students report being harassed at school and 35% reported being physically assaulted.¹ Often transgender and gender non-conforming youth simply choose to forgo their education rather than endure the pervasive harassment—placing them at a much lower earning power capacity than their peers who graduate from high school. However, gender-inclusive curriculum has been demonstrated to increase acceptance of diversity and to decrease discrimination towards and harassment of transgender students.

Consequently, it is imperative that the Framework cultivate an inclusive education that not only provides transgender students with an opportunity to learn about their history but also demonstrates to transgender students, and to all students, that transgender roles and contributions are worthy of being taught and enshrined in the educational curriculum. Including transgender roles and contributions in the Framework will create a positive and inclusive learning environment and will ensure that the curriculum is compliant with the FAIR Act.

We urge the Commission to take this opportunity to revise the Framework to include transgender roles and contributions. Below is a list of line edits we strongly recommend be incorporated into your edits of the History-Social Science Framework. We have presented our recommendation in the order that they would appear in the document, by page number and line number. (for cross-reference purposes, we have included the original number of our corresponding public comment from the May 2014 meeting).



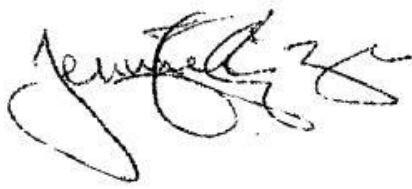
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Sasha Buchert
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¹ EMILY A. GREYTAK ET AL., “Harsh Realities: The Experiences of Transgender Youth in Our Nation’s Schools” A Report from the Gay, Lesbian, and Straight Education Network, *available at* <http://glsen.org/sites/default/files/Harsh%20Realities.pdf>, 2009, (last visited October 29, 2015).

JAIME M. GRANT ET AL., “Injustice at Every Turn, A Report of the National Transgender Discrimination Survey” by the National Center for Transgender Equality and the National Gay and Lesbian Task Force (2011), *available at* <http://endtransdiscrimination.org/report.html>, (last visited October 29, 2015).



Jenny Pizer
Lambda Legal

Original Public Comment #	New Location (Chapter, Page #)	Our Suggested Line Edit
n/a	Intro, p. 20	Lines 425-426 should be revised to: "...all persons as equals regardless of ethnicity, gender identity, sexual orientation, and beliefs."
1199	Grade 2, p. 60	Lines 28-29 should be revised to read: "...families with lesbian, gay, bisexual, or transgender parents."
1233	Grade 4, p. 93	Line 246, insert: "Teachers may also explore the ways in which Spanish missionaries worked to fundamentally alter Native Californian cultures by trying to eliminate gender and sexuality identities and practices among the Indians that Spanish felt were unacceptable."
1230 (with minor edit to reflect Carolyn Laub's version of the comment)	Grade 4, p. 95	On line 290, insert new paragraph: "By exploring Native Californian cultures, students also learn that some Native California cultures accepted third gender roles for females who preferred to assume men's social roles and males who assumed women's social roles. Such gender diversity often did not fit well with the gender order of Spanish missionaries." Teachers can discuss how tribes such as the Klamath, Tolowa, Yuki, Gabrielino, and Chumash recognized males who preferred to dress and live as women and, in some cases, women who preferred to dress and live as men. Some California tribes granted such two-spirit people important spiritual and social roles, sometimes including marriage. To exemplify how the Spanish did not accept such Native Californian traditions, teachers and students could explore the well-documented 18th-century case of a Chumash male-to-female person who, after Santa Clara Mission friars ordered the person to give up women's clothing and work, ran away from the Mission and resumed a two-spirit identity in the tribe."

1235	Grade 4, p. 99	<p>Line 370-378 should be revised to: “...stagecoach driver Charley Parkhurst, <u>who was born as a female but who lived as a male</u>, and who drove stagecoach routes in northern and central California for almost 30 years. Stagecoaches were the only way many people could travel long distances, and they served as a vital communication link between isolated communities. Parkhurst was one of the most famous California drivers, having survived multiple robberies while driving (and later killing a thief when he tried to rob Parkhurst a second time).”</p> <p>The sentences on lines 376-378 should be deleted, so that offensive and inaccurate language stating Parkhurst was “actually a woman and mother” are removed. While Parkhurst was birth-assigned female and gave birth to a child, there is no historical certainty that Parkhurst was “actually a woman,” nor took on the social gender role of “mother.” LGBT historical scholarship exercises great caution with such terms, and urges those drafting Framework revisions to follow this best practice.</p>
1414	Grade 8, p. 349	<p>The sentences on lines 645-647 should be deleted, so that offensive and inaccurate language stating Parkhurst was “actually a woman and mother” are removed.</p>
1556	Grade 11, p. 551	<p>Line 1010, insert: “Students can see the contradiction between the image of domestic contentment and challenges to the sex and gender system through the publication of and responses to the Kinsey reports on male and female sexuality in 1948 and 1953; the publicity surrounding Christine Jorgensen, the “ex-G.I.” transformed into a “blonde beauty” through sex-reassignment surgery in 1952; the efforts of the medical profession to enforce marital heterosexuality; and the growth of LGBT cultures.”</p>
1556	Grade 11, p. 554	<p>Line 1031, update to include full LGBT community: “...as well as women and lesbian, gay, <u>bisexual, and transgender people</u>...”</p>
1574 (plus new suggestion from Dec 16, 2014 letter)	Grade 11, p. 563	<p>Line 1242, to give educators specific and diverse lesbian, gay, bisexual, and transgender leaders to consider, insert: “Consider figures such as Alfred Kinsey, Harry Hay, José Sarria, Del Martin and Phyllis Lyon, Frank Kameny, Sylvia Rivera, and Harvey Milk.”</p>

1574 (plus new suggestion from Dec 16, 2014 letter)	Grade 11, p. 564	Line 1255, add landmark transgender-related decisions: “...and <i>Obergefell v. Hodges</i>), and the constitutional guarantee of equal protection under the law for transgender individuals, as exemplified through successful claims of employment discrimination including <i>Glenn v. Brumby</i> , <i>Schroer v. Billington</i> , and the Equal Employment Opportunity Commission’s decision in <i>Macy v. Holder</i> .”
1586	Grade 11, p. 579	Line 1537, add inclusive language: “...people of color, and <u>lesbian</u> , gay, <u>bisexual</u> , and <u>transgender</u> people serving in the military.”
New suggestion based on letter from ACLU, NCLR, TLC, and Lambda	Grade 12, p. 595	Line 301, insert: “School-related cases of <i>Tinker v. Des Moines</i> (1969), <i>Fricke v. Lynch</i> (1980), <i>New Jersey v. T.L.O</i> (1985), <i>Henkle v. Gregory</i> (2001), or the 2013 Resolution Agreement announced by the United States Department of Education in <i>Student v. Arcadia Unified School District</i> and <i>Student v. Downey Unified School District</i> offer additional perspectives relevant to students on free speech, privacy, non-discrimination, and civil rights for students in schools.
1697	Appendices, p. 790	Lines 277-281 should be revised to read: “Some western societies are still struggling with areas of civil rights that remain unresolved, such as marriage rights, <u>nondiscrimination protections</u> , and other issues of equality for their <u>lesbian</u> , gay, <u>bisexual</u> , and <u>transgender</u> citizens, but they can still provide leadership in applying global pressure against regimes that even in the twenty-first century mandate harsh penalties and sometimes even death against homosexuals <u>lesbian, gay, bisexual, and transgender people</u> .”